

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

No. 14-CR-00731-LTS
No. 17-CV-10087-LTS

IVAN COLLADO,

Defendant.

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ORDER

WHEREAS Petitioner-Defendant Ivan Collado has moved for relief from his conviction pursuant to 28 U.S.C. section 2255 on the ground of ineffective assistance of counsel; and

WHEREAS the Court, after reviewing the parties' motion papers (see Docket Entry Nos. 135, 137, 138, 141 (the "Motion Papers")), has concluded that the testimony of Mr. Collado's former counsel, Edward Vincent Sapone, Esq. ("Former Counsel"), will be needed in order to allow the Court to evaluate certain aspects of the motion; and

WHEREAS by making the motion, Mr. Collado has waived the attorney-client privilege, as to those communications at issue in the motion, as a matter of law; and

WHEREAS Mr. Collado has executed and filed a form "Attorney-Client Privilege Waiver (Informed Consent)" (Docket Entry No. 144-1, the "Waiver"), authorizing his Former Counsel to give testimony pursuant to Court order and "to the extent necessary to shed light on the allegations of ineffective assistance of counsel that are raised" in Mr. Collado's section 2255 motion;

IT IS HEREBY ORDERED that Prior Counsel shall give sworn testimony, in the form of an affidavit filed on the public docket, addressing the allegations of ineffective assistance of counsel made by Mr. Collado in the Motion Papers, by no later than **January 7, 2020**; and it is further

ORDERED that the Government shall promptly serve Prior Counsel with copies of this Order, the Court's Order dated November 6, 2020 (Docket Entry No. 142), the Waiver, and the Motion Papers; and file proof of such service on the public docket.

SO ORDERED.

Dated: New York, New York
December 7, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy Mailed To:

Mr. Ivan Collado
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